

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

KURSTEN OWEN, individually
and dba Elegance & Geekery LLC,

Civ. No. 6:25-cv-01272-AA

Plaintiffs,

OPINION & ORDER

v.

BREANA ASKEW, individually
and dba Breromi; KIANDRIA
DEMONE BOYCE; DOES 1-100,

Defendants.

AIKEN, District Judge.

On August 5, 2025, Defendant Kiandria Boyce filed a series of motions in which she seeks to dismiss this case on the basis of lack of personal jurisdiction, ECF Nos. 23, 27, and to continue the hearing on the basis of a lack of service, ECF Nos. 24, 26.

The Local Rules for the District of Oregon provide that, with the exception of a motion for TRO, the first paragraph of every motion must certify that the parties engaged in a good faith conferral through telephone or in-person conferences to resolve the dispute, or else certify that the opposing party willfully refused to confer. LR 7-1(a)(1). When conferring about a dispositive motion, the parties must discuss each claim, defense, or issue that is the subject of the proposed motion. LR 7-1(a)(2). “The Court may deny any motion that fails to meet this certification.” LR 7-1(a)(3).

None of Boyce's Motions contain the required certification of conferral, nor is there any indication that conferral took place prior to the filing of the motion. The Court therefore DENIES the motions with leave to refile with a proper certification of conferral.

However, the Court wishes to address Boyce's assertion that she was not served. On July 30, 2025, Plaintiff filed a Return of Service showing that Boyce was personally served by a process server on July 25, 2025, at 3:40 p.m. ECF No. 14. The Ninth Circuit has held that a "signed return of service constitutes prima facie evidence of valid service which can be overcome only by strong and convincing evidence." *S.E.C. v. Internet Solutions for Business, Inc.*, 509 F.3d 1161, 1166 (9th Cir. 2007). Boyce has not presented strong and convincing evidence sufficient to overcome the prima facie showing of the Return of Service. On this record, the Court concludes that Boyce was properly served.

Defendant Boyce's Motions, ECF Nos. 23, 24, 26, 27, are DENIED. The Motions to Dismiss are denied with leave to refile following conferral.

It is so ORDERED and DATED this 6th day of August 2025.

/s/Ann Aiken
ANN AIKEN
United States District Judge